

### **REMARKS/ARGUMENTS**

Claims 2 to 7 and 11 to 14 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Hess et al. (US 6,631,901). Claim 8 and 9 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Hess et al. (US 6,631,901) in view of DE 4,302,125. Claim 10 is objected to as being dependent upon a rejected base claim but was indicated as being allowable if rewritten in independent form.

#### **35 U.S.C. 102 Rejections**

Claims 2 to 7 and 11 to 14 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Hess et al. (US 6,631,901).

The Hess et al. reference, U.S. Patent No. 6,631,901, was filed in the U.S. as a continuation of application No. 09/375,810, filed on August 17, 1999, which is the effective date for the reference under 35 U.S.C. § 102 (e). The present application was filed on October 26, 2000, claiming priority under 35 U.S.C. § 119 to application No. DE 199 51 382.1, filed on October 26, 1999. A certified copy of the priority document was submitted already. Applicants submit herewith an accurate translation of the certified copy to establish the invention date of October 26, 1999. Applicants further submit herewith a Declaration under 37 CFR 1.131 establishing that the subject matter of the present invention was invented prior to the effective date of August 17, 1999. See MPEP 715. Attached as Exhibit A is a letter from the German patent attorneys dated May 10, 1999, together with a draft application text, as well as an accurate translation of the letter and the draft application text.

The declaration and attachments thereto establish that the Applicants had conceived the invention prior to August 17, 1999, coupled with due diligence from prior to August 17, 1999 to the filing of the present application on October 26, 2000. See MPEP 715.

It is respectfully submitted, in view of the earlier invention date of the present application, that the Hess et al. reference is not prior art under 35 U.S.C. § 102(e) and that the rejections to the claims 2 to 7 and 11 to 14 be withdrawn.

### 35 U.S.C. 103 Rejections

Claim 8 and 9 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Hess et al. (US 6,631,901) in view of DE 4,302,125.

In view of the above, withdrawal of the rejection to claims 8 and 9 is respectfully requested.

### Claim Objections

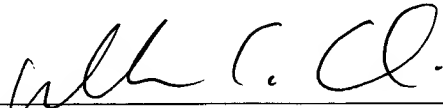
Claim 10 is objected to as being dependent upon a rejected base claim but was indicated as being allowable if rewritten in independent form.

In view of the above, withdrawal of the objection to claim 10 is respectfully requested.

**CONCLUSION**

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,  
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